

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

**DYLAN J. TREVINO, A Minor, Suing
By his Next Friend and Guardian, DIANA
TREVINO, and DIANA TREVINO,
Individually,**

Plaintiffs,

vs.

KINDERHOOK CAPITAL FUND II, L.P.,

Defendant.

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)
)
)
)
) **Civil Action No. 1:10-cv-00115**
) **JUDGE HAYNES**
)
) **JURY DEMANDED**
)
)

OK'd SA
Trevino motion
is GRANTED
all
2/8/12

PLAINTIFFS' MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

COME NOW Plaintiffs, Dylan J. Trevino, A Minor, Suing By his Next Friend and Guardian, Diana Trevino, and Diana Trevino, Individually, by and through their counsel of record, and pursuant to Rule 15(a) of the Federal Rules of Civil Procedure and the Scheduling Order governing this case [Docket No. 29], hereby requests leave of this Court to amend their Complaint, and in support of their motion state the following:

I. BACKGROUND

1. This action was originally filed one year ago seeking to recover damages¹ under the Tennessee Products Liability Act, Tenn. Code Ann. § 29-28-101, *et seq.*, against the world's largest manufacturer of plastic gasoline containers, Blitz U.S.A., Inc., for failing to include a safety device, generally referred to as a "flame arrestor," in the plastic gasoline container model that exploded and severely burned the minor plaintiff, Dylan Trevino, on December 23, 2009. [Docket No. 1].

¹ Plaintiffs also sought recovery under claims of Negligence, Negligent Misrepresentation, and Recklessness.